

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHAEL ARMSTRONG,

Plaintiff,

v.

OPINION AND ORDER

12-cv-199-wmc

WASATCH FRONT HOME SERVICES, LLC, and

ZEPHYR CLEAN AIR, LLC,

Defendants.

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This is a Fair Labor Standards Act case in which the parties have stipulated to dismissal pursuant to a settlement agreement. Because this case involves an FLSA claim, the court is required to review the settlement to make sure that its terms and conditions represent “a fair and reasonable resolution of a bona fide dispute over FLSA provisions” and reflect a “compromise of disputed issues [rather] than a mere waiver of statutory rights brought about by an employer's overreaching.” *Lynn’s Food Stores, Inc. v. U.S. Dept. of Labor*, 679 F.2d 1350, 1354-55 (11th Cir. 1982); *see also Walton v. United Consumers Club*, 786 F.2d 303, 306 (7th Cir. 1986) (explaining the reason why court approval is necessary in FLSA settlements).

The parties’ submissions to date fail to provide sufficient information to allow the court to conduct such a review. While plaintiff recently submitted a copy of the settlement notice, which lists the amount of money that he will receive, the court has no basis for determining whether this amount represents a fair and reasonable resolution, nor does the court have any basis for determining whether the fees allotted to plaintiff’s

counsel is “appropriate in light of the results and efforts expended in the entire litigation.” *Lynn’s Food Stores*, 679 F.2d at 316.

As such, the court orders the parties to submit the following information:

- 1) representations, either stipulated or submitted separately by the parties, as to the nature of the parties’ dispute and efforts to resolve the dispute;
- 2) the method used to calculate the settlement amount proposed for each opt-in plaintiff; and
- 3) the actual time and expense records for plaintiffs’ counsel in this matter.

#### ORDER

IT IS ORDERED that the parties shall submit the requested information detailed above in support of their settlement on or before July 9, 2012.

Entered this 20th day of June, 2012.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge